

1

RE Comm. v. [REDACTED]
From: Hely, Carolyn (NFK)
Sent: Thursday, January 19, 2012 10:34 AM
To: Khan, Annie (DPH)
Subject: RE: Comm. v. [REDACTED]

haha thanks Annie! I'll be in touch next week.

Carolyn L. Hely
Assistant District Attorney
Norfolk District Attorney's Office
45 Shawmut Road
Canton, MA 02021
(781) 830-4800 ext. 332
(781) 830-4801 (fax)

From: Khan, Annie (DPH)
Sent: Thursday, January 19, 2012 9:06 AM
To: Hely, Carolyn (NFK)
Subject: RE: Comm. v. [REDACTED]

WOW!!!, My sincere apologies for the email below. (I had nothing to do with it.
Haha)

You know how it works . . . We will coordinate, as needed.

Thank you for being patient and tolerable with us.

Annie

Sent from iPhone

From: Lawler, Michael (DPH)
Sent: Wednesday, January 18, 2012 1:29 PM
To: Hely, Carolyn (NFK); Khan, Annie (DPH)
Subject: Comm. v. [REDACTED]

ADA Busby,
As you are probably aware, we chemists often find ourselves double summonsed to different jurisdictions for the same day. Several contingencies determine the reality of our appearance in court at a given opening to trials, whether there is a last minute plea, can a jury can be impaneled the first day of note, etc. It would be chaos if we were to consider all the contingencies to every double booked appearance and try to juggle the best scenario for all parties on a given day. We must presume that 75 to 90% of our summons to an appearance on a particular day will not happen and each jurisdiction must understand that we chemists are "on call" and will go were we must for any given day.

We chemists are forced sometimes to triage our appearances with three criteria:
1) commit more completely to the office which summonsed us first
2) offer our appearance first to the office which has a higher stakes case
3) juggle our appearances in the order determined by competing prosecutors working with each other to the convenience of their respective courts

I was previously summonsed to Wareham on the 26th and have another summons to Suffolk County the 27th. These cases are all about the same magnitude offense. I will not
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RE Comm. v. [REDACTED]

pick a case by degree but will simply go with the statistic that 2 out of 3 of you will not need me and go on call to the case with the most immediate need. I believe Annie is in the same position.

Best wishes,
Mike Lawler
State Lab

2

RE Commonwealth v. [REDACTED]
From: Payton, Debra (NFK)
Sent: Tuesday, October 25, 2011 3:26 PM
To: Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

I will keep that in mind. I do have all inclusive!
You must sneak away before the summer.
Sent from my Windows Phone

From: Khan, Annie (DPH)
Sent: Tuesday, October 25, 2011 2:46 PM
To: Payton, Debra (NFK)
Subject: RE: Commonwealth v. [REDACTED]
Nice!!!

If you are a meat lover, I would recommend Aruba's Texas de Brazil restaurant and the Caipirinha cocktail (to die for) or Heineken (I've been to the one in Florida)
No vaca for me until summer :(Back to Greece.

From: Payton, Debra (NFK)
Sent: Tuesday, October 25, 2011 1:46 PM
To: Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

AWESOME!! You know I will!! I am so happy Kate is back too. ARUBA for me in February. Is it February yet??

From: Khan, Annie (DPH)
Sent: Tuesday, October 25, 2011 1:45 PM
To: Payton, Debra (NFK)
Subject: RE: Commonwealth v. [REDACTED]

I have a Federal (Terrorism) case that week. No worries, Rob and Chief Justice Wolf are very accommodating, so we can coordinate as the date approaches.

Keep me posted.

From: Payton, Debra (NFK)
Sent: Tuesday, October 25, 2011 10:59 AM
To: Corbett, Kate (DPH); Khan, Annie (DPH)
Subject: Commonwealth v. [REDACTED]

Darlings:
This defendant's trial is scheduled to begin on Monday November 14, 2011 at Norfolk Superior Court. He is looking at a long time in state prison because he is a habitual criminal. I have the case scheduled for lobby conference for 11/8/11. Should my trial begin on 11/14/2011, is there any chance you two geniuses will be available later that week, perhaps November 16th or 17th? Please let me know.
THANK YOU!!
Payton

3

RE Commonwealth v. [REDACTED]
From: Payton, Debra (NFK)
Sent: Tuesday, November 15, 2011 2:24 PM
To: Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

You are the best!!!!

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Tuesday, November 15, 2011 2:23 PM
To: Payton, Debra (NFK)
Subject: RE: Commonwealth v. [REDACTED]

:)

Trust me, not my decision, but I need to get both labs up to date and accredited.
(no pressure, right)

If you guys need anything, please let me know. (one of the advantages, I have
access to anything and
everything . . gotta love the Feds and my Director.)

Deb, I will teach you drugs to the best of my knowledge. Let me know if you need
help with anything.

-----Original Message-----

From: Payton, Debra (NFK)
Sent: Tuesday, November 15, 2011 11:03 AM
To: Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

WHAT!!!! NO NO NO!!!! I NEED YOU!!!!

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Tuesday, November 15, 2011 10:17 AM
To: Payton, Debra (NFK)
Subject: RE: Commonwealth v. [REDACTED]

Haha!!! My all time favorite excuse, Boston case "It's not mine, I was holding it
for my girlfriend."

Sorry to say Deb, I do not do much drug cases any more (only Federal or Terrorism
cases). I have been
re-assigned to write all the protocols for the Drug Lab and Terrorism Lab, as well
as addressing issues
with AG's and Federal offices.

-----Original Message-----

From: Payton, Debra (NFK)
Sent: Tuesday, November 15, 2011 8:54 AM
To: Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

Oh you will speak to me! I have jaron o'bannon on for trial 12/13. I don't have
the certs back yet, but I'll
bet your name is on there. Either way, I am certain he will plea. The drugs were
found in his undies. I
don't think "I don't know how the bags got there" will work!! haha

RE Commonwealth v. [REDACTED]

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Monday, November 14, 2011 8:13 PM
To: Payton, Debra (NFK)
Subject: RE: Commonwealth v. [REDACTED]

OMG, April!!!

Thanks Debi.

If I don't speak to you, Happy Holidays!!! and have a great vacation in Aruba.

Annie

From: Payton, Debra (NFK)
Sent: Monday, November 14, 2011 3:22 PM
To: Corbett, Kate (DPH); Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

Brilliant ones....

I do not need you this week in court on Santana!!! Ruben Santana was continued until April 11, 2012

for trial. Any problems thus far? Haha....

Your testimony will be needed on or about 4/13/12.

Good Grief!!!

From: Payton, Debra (NFK)
Sent: Tuesday, October 25, 2011 10:59 AM
To: Corbett, Kate (DPH); Khan, Annie (DPH)
Subject: Commonwealth v. [REDACTED]

Darlings:

This defendant's trial is scheduled to begin on Monday November 14, 2011 at Norfolk Superior Court.

He is looking at a long time in state prison because he is a habitual criminal. I have the case scheduled

for lobby conference for 11/8/11. Should my trial begin on 11/14/2011, Is there any chance you two

geniuses will be available later that week, perhaps November 16th or 17th?

Please let me know.

THANK YOU!!

Payton

4

Re Com v [REDACTED]

From: gtb@beery-law.com
Sent: Thursday, May 12, 2011 1:27 PM
To: Khan, Annie (DPH)
Subject: Re: Com v [REDACTED]

Forgot to ask my last question. My understanding is that the original form is a single sheet of paper and that page 2 of the PDF is the backside of page 1. Is that right?

Thanks again, Annie.

Gary Theobald Beery
Beery Law, LLC
P.O. Box 1383
Brookline, MA 02446
(617) 566-1323

<=Sent From My BlackBerry Wireless=>

-----Original Message-----

From: "Khan, Annie (DPH)" <annie.khan@state.ma.us>
Date: Thu, 12 May 2011 08:31:25
To: 'gtb@beery-law.com' <gtb@beery-law.com>
Subject: RE: Com v [REDACTED]

Hey,

Call me at your convenience, my cell# [REDACTED].

I am On Call for Chemical & Bio Terrorism.

Annie

-----Original Message-----

From: gtb@beery-law.com [mailto:gtb@beery-law.com]
Sent: Thursday, May 12, 2011 8:28 AM
To: Khan, Annie (DPH)
Subject: Re: Com v [REDACTED]

Hi Annie:

Thanks for your help. I really appreciate it.

My understanding is that the original form is a single sheet of paper and that page 2 of the PDF is the backside of page 1. Is that right?

To the left of "Cobalt Thiocyanate", you wrote "3"; to the right, inside the brackets, you wrote "+". I assume that the "3" means that you tested all three bags and that the "+" means that each bag tested positive (to the degree provided for by this spot test) for cocaine. Is that right? And is there a reason for the brackets?

To the right of "TLTA" you wrote "+ +". Is there a reason for the second plus sign? And again, is there a reason for the brackets?

Finally, can you tell me what decision rule your lab uses for identifying cocaine via GCMS? It's been a while since I took analytical chemistry in college and so I don't remember the term

Re Com v [REDACTED]

that I'm looking for....

How similar must the standard and the sample be for the result to be positive?

Thanks very much.

-Theo

P.S. If a phone call would be easier, you should call my cell: 617-733-0920.

-----Original Message-----

From: Annie Khan

To: 'gtb@beery-law.com'

Subject: RE: Com v [REDACTED]

Sent: May 12, 2011 6:47 AM

Hi Theo,

Hope all is well.

The first section circled: Mettler AB104 and Ohaus N1D110 are the balances used to weigh this case.

This notation indicates to me that my balances were checked and calibrated prior to analyzing this case and that it was in good working condition.

The second section circled: ELO 05-16-08 NW indicates that my calculations (Math check) were for the weight of each sample and the net weight was reviewed by another chemist. It is/was the Lab policy, that cases of greater complexity and magnitude be reviewed by another chemist for accuracy in the Net weight.

Hope this helps. Let me know if you need anything else pertaining to this case.

PS: Definitely working too late.

Thanks.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

-----Original Message-----

From: gtb@beery-law.com [mailto:gtb@beery-law.com]

Sent: Thursday, May 12, 2011 12:08 AM

To: Khan, Annie (DPH)

Subject: Com v [REDACTED]

Dear Ms. Khan:

Early last year, you and I exchanged a few emails and spoke briefly about the above-referenced case. As you might remember, I represent the defendant, post-conviction. Attached to this email is a PDF of the drug powder analysis form that the DA's office provided to trial counsel. I'm hoping you can provide some insight re: the circled notations.

Thanks very much. And please note my new email address and mailing address.

Re Com v [REDACTED]

-Theo

Gary Theobald Beery
Beery Law, LLC
P.O. Box 1383
Brookline, MA 02446
(617) 566-1323

<=Sent From My BlackBerry Wireless=>

Gary Theobald Beery
Beery Law, LLC
P.O. Box 1383
Brookline, MA 02446
(617) 566-1323

<=Sent From My BlackBerry Wireless=>

5

RE Commonwealth v. [REDACTED]
From: Hill, Farah (NFK)
Sent: Friday, February 11, 2011 8:27 AM
To: Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

Haha! My thoughts exactly!

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Wednesday, February 09, 2011 8:51 PM
To: Hill, Farah (NFK)
Subject: RE: Commonwealth v. [REDACTED]

Defaulted . . . He must be in the Dominican republic on the beach with my other default defendants.

Let me know if you need anything in the future.

Annie

From: Hill, Farah (NFK)
Sent: Wednesday, February 09, 2011 4:37 PM
To: Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

Just got out of court! Sorry...the defendant didn't even show up! Figures! I will let you know if he comes in and is placed back on the trial list...thanks for being on-call.
Farah

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Tuesday, February 08, 2011 6:50 PM
To: Hill, Farah (NFK)
Subject: RE: Commonwealth v. [REDACTED]

It's been a while.

Thanks for the info. As for my schedule, I will be in Middlesex Superior around noon, but my testimony should be quick. I am suppose to head to Fall River Superior for 2 PM, but I am trying to see if they can get me on Thursday AM instead.

For now put me On Call, and I will update you in the AM. We usually ask for an hour lead time. If needed and I can not make it tomorrow, can you get me on Thursday?

My cell# [REDACTED], call or text me if you need anything.

Annie

From: Hill, Farah (NFK)
Sent: Tuesday, February 08, 2011 4:08 PM
To: Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

Hi Annie,
I am new to this court...just looked at the file and it is scheduled for Bench Trial. What does your day look like? Can you be on-call? How long would it take for you to get down here if

RE Commonwealth v. [REDACTED]
we needed you?
Thanks,
Farah

From: Khan, Annie (DPH)
Sent: Tuesday, February 08, 2011 2:03 PM
To: Powers, Kevin (NFK)
Cc: Hill, Farah (NFK)
Subject: RE: Commonwealth v. [REDACTED]

Out of curiosity, I have a summons for CW. vs. [REDACTED] (Stoughton District) for 2/9.

Would you happen to know the status of this case? And the Lab #/s for this case.
Greatly appreciate any help.

Annie

From: Powers, Kevin (NFK)
Sent: Tuesday, February 08, 2011 1:52 PM
To: Khan, Annie (DPH)
Cc: Hill, Farah (NFK)
Subject: RE: Commonwealth v. [REDACTED]

That should be great--thank you!

From: Khan, Annie (DPH)
Sent: Tuesday, February 08, 2011 1:48 PM
To: Powers, Kevin (NFK)
Cc: Hill, Farah (NFK)
Subject: RE: Commonwealth v. [REDACTED] Hi,

I will send the discovery packet for the above case by next week. If you need it sooner, let me know.

Thanks.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

From: Powers, Kevin (NFK)
Sent: Tuesday, February 08, 2011 1:46 PM
To: Khan, Annie (DPH); Renczkowski, Daniel (DPH)
Subject: Commonwealth v. [REDACTED]

Mr. Renczkowski and Ms. Dookhan:

I am an Assistant District Attorney working on Commonwealth v. [REDACTED].
[REDACTED] 3. Our
office is in receipt of your drug cert for this matter, which is numbered [REDACTED].

Please kindly send your drug analysis notes to the following address at your earliest convenience:

ADA Farrah Hill
Norfolk District Attorney's Office
Stoughton District Court
1288 Central Street

RE Commonwealth v. [REDACTED]
Stoughton, MA 02072

Thank you very much for your assistance in this matter.

Kevin J. Powers
Assistant District Attorney

(6)

RE: [REDACTED]
From: Griffith, Sean (NOR)
Sent: Monday, March 28, 2011 8:35 AM
To: Khan, Annie (DPH)
Subject: RE: [REDACTED]

Haha. Sounds about right.

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Saturday, March 26, 2011 2:17 PM
To: Griffith, Sean (NOR)
Subject: RE: [REDACTED]

Thanks for the heads up . . . Tell the defendant, he is getting an extra 5 years for p-off the chemist. :)

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

-----Original Message-----

From: Griffith, Sean (NOR)
Sent: Friday, March 25, 2011 4:54 PM
To: Khan, Annie (DPH)
Subject: [REDACTED]

Hey Annie - this case is cursed. It got bumped to April 25th. I'll send out summons Monday. Classic.
Hope you have a nice weekend. - Sean

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Thursday, March 24, 2011 8:28 PM
To: Griffith, Sean (NOR)
Subject: RE: Drug Lab: Court Schedule

I testified for Dave Solet and Jim Mulcahy a couple of times. They may be able to help as well.

I am also a confirmatory chemist. I can state that confirmatory testing is reviewable data and anyone trained in GC/MS can review and interpret the data.

I have attached a set of predicate questions with my answers that we created enlight of Melendez-Diaz.
It may help or not. I will review your questions over the weekend and get back to you.

Definitely, keep the expert testimony section, it will build credibility. I would stay away from questions regarding accreditation, and publications.

Thanks

Annie

From: Griffith, Sean (NOR)
Sent: Thursday, March 24, 2011 4:37 PM
To: Khan, Annie (DPH)
Subject: RE: Drug Lab: Court Schedule

RE [REDACTED]

Hey Annie. We're still on for Monday AM. Because Kate is out... do you mind reviewing her notes so you can testify to her findings and form your own opinion based on her results? If the judge doesn't let us do that... you can instead testify to what the chemists in the lab do for routine samples. I'll see if I can forward you some predicate questions to look over beforehand. Thanks!! - Sean

From: Khan, Annie (DPH)
Sent: Monday, March 21, 2011 12:38 PM
To: Griffith, Sean (NOR)
Subject: RE: Drug Lab: Court Schedule

Monday AM works with me. No worries, we can figure it out.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

From: Griffith, Sean (NOR)
Sent: Monday, March 21, 2011 11:41 AM
To: Khan, Annie (DPH)
Subject: RE: Drug Lab: Court Schedule

Hi Annie - DC says it's a trial as of now for [REDACTED] 3/25. Assuming he doesn't take a plea in the last second... I could probably call you to testify 3/28 or 3/29. Does one work better for you? Thanks! - Sean

From: Khan, Annie (DPH)
Sent: Saturday, March 19, 2011 4:19 PM
To: Lord, Spencer (SUF); Stancato, Sarah (SUF); Zuanich, Brian (BRI); McCray, Keith (NFK); Sheehan, Michael (EAS); OKeefe, Jennifer (SUF); Kenny, Timothy (PLY); Evans, Anna (NOR); Pearson, Mark (NFK); Adeduntan, Rilwan (SUF); Sherwood, Gretchen (SUF); Cox, Brendan (SUF); Laine, Esther (SUF); Griffith, Sean (NOR)
Subject: Drug Lab: Court Schedule

Hi Everyone,

I have received summons from each of you and I am checking the status of your cases for next week. I will try my best to accommodate. If you have any questions, please do not hesitate to contact me. Thank you for your cooperation and patience.

Have a nice weekend.

03/21/2011 (Please note: I will need to be out of court by 3:00pm due prior commitments, but with sufficient notice I can adjust my schedule)

[REDACTED]

[REDACTED]

7

RE Commonwealth v. [REDACTED]
From: Payton, Debra (NFK)
Sent: Tuesday, November 15, 2011 11:03 AM
To: Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

WHAT!!!! NO NO NO!!! I NEED YOU!!!!!!

-----Original Message-----

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Sent: Tuesday, November 15, 2011 10:17 AM
To: Payton, Debra (NFK)
Subject: RE: Commonwealth v. [REDACTED]

Haha!!! My all time favorite excuse, Boston case "It's not mine, I was holding it for my girlfriend."

Sorry to say Deb, I do not do much drug cases any more (only Federal or Terrorism cases). I have been re-assigned to write all the protocols for the Drug Lab and Terrorism Lab, as well as addressing issues with AG's and Federal offices.

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Sent: Tuesday, November 15, 2011 8:54 AM
To: Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

Oh you will speak to me! I have jaron o'bannon on for trial 12/13. I don't have the certs back yet, but I'll bet your name is on there. Either way, I am certain he will plea. The drugs were found in his undies. I don't think "I don't know how the bags got there" will work!! haha

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From: Khan, Annie (DPH)
Sent: Monday, November 14, 2011 8:13 PM
To: Payton, Debra (NFK)
Subject: RE: Commonwealth v. [REDACTED]

OMG, April!!!

Thanks Debi.

If I don't speak to you, Happy Holidays!!! and have a great vacation in Aruba.

Annie

From: Payton, Debra (NFK)
Sent: Monday, November 14, 2011 3:22 PM
To: Corbett, Kate (DPH); Khan, Annie (DPH)
Subject: RE: Commonwealth v. [REDACTED]

Brilliant ones...

I do not need you this week in court on Santana!!! Ruben Santana was continued until April 11, 2012 for trial. Any problems thus far? Haha... Your testimony will be needed on or about 4/13/12. Good Grief!!!

RE Commonwealth v. [REDACTED]

From: Payton, Debra (NFK)

Sent: Tuesday, October 25, 2011 10:59 AM

To: Corbett, Kate (DPH); Khan, Annie (DPH)

Subject: Commonwealth v. [REDACTED]

Darlings:

This defendant's trial is scheduled to begin on Monday November 14, 2011 at Norfolk Superior Court.

He is looking at a long time in state prison because he is a habitual criminal. I have the case scheduled

for lobby conference for 11/8/11. Should my trial begin on 11/14/2011, is there any chance you two

geniuses will be available later that week, perhaps November 16th or 17th?

Please let me know.

THANK YOU!!

Payton

8

RE Brockton Middlesex Superior for [REDACTED]
From: Solet, David (NOR)
Sent: Thursday, March 17, 2011 5:09 PM
To: Khan, Annie (DPH); Renczkowski, Daniel (DPH)
Subject: RE: Brockton & Middlesex Superior for 3/11/11

Hi Annie, Dan -

We didn't get Brooks on the gun charges, but the jury came back Guilty for Trafficking Oxy over 28g, Trafficking Cocaine over 14g, and Poss. w/Intent Marijuana. Thanks for all your help.

Dave

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Thursday, March 10, 2011 8:42 PM
To: Solet, David (NOR)
Subject: RE: Brockton & Middlesex Superior for 3/11/11

Thank you...I will inform Dan.

Annie

From: Solet, David (NOR)
Sent: Thursday, March 10, 2011 8:19 PM
To: Khan, Annie (DPH)
Subject: Re: Brockton & Middlesex Superior for 3/11/11

Annie - I can put you on at 12:00

----- Original Message -----

From: Khan, Annie (DPH)
Sent: Thursday, March 10, 2011 07:46 PM
To: Solet, David (NOR); Linehan, Richard (PLY)
Subject: Brockton & Middlesex Superior for 3/11/11

Hi Dave and Rick,

Rick: If I get there for about 9:30am, can you get me on for the latest by 10:30? I will need to head to Middlesex Sup for Dave's case. Unless Dave can put me on at about 12 pm, then I can stay in Brockton until 11:15am.

Dave: Is there any possible way to get us on at 12:00-ish? So I can go to Brockton Sup and then head to Middlesex.

Just in case my cell # [REDACTED]

Thanks for being so accommodating. Sorry.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

9

Re Com v [REDACTED]

From: gtb@beery-law.com
Sent: Thursday, May 12, 2011 8:28 AM
To: Khan, Annie (DPH)
Subject: Re: Com v [REDACTED]

Hi Annie:

Thanks for your help. I really appreciate it.

My understanding is that the original form is a single sheet of paper and that page 2 of the PDF is the backside of page 1. Is that right?

To the left of "Cobalt Thiocyanate", you wrote "3"; to the right, inside the brackets, you wrote "+". I assume that the "3" means that you tested all three bags and that the "+" means that each bag tested positive (to the degree provided for by this spot test) for cocaine. Is that right? And is there a reason for the brackets?

To the right of "TLTA" you wrote "+ +". Is there a reason for the second plus sign? And again, is there a reason for the brackets?

Finally, can you tell me what decision rule your lab uses for identifying cocaine via GCMS? It's been a while since I took analytical chemistry in college and so I don't remember the term that I'm looking for.... How similar must the standard and the sample be for the result to be positive?

Thanks very much.

-Theo

P.S. If a phone call would be easier, you should call my cell: [REDACTED]

-----Original Message-----

From: Annie Khan
To: 'gtb@beery-law.com'
Subject: RE: Com v [REDACTED]
Sent: May 12, 2011 6:47 AM

Hi Theo,

Hope all is well.

The first section circled: Mettler AB104 and Ohaus N1D110 are the balances used to weigh this case. This notation indicates to me that my balances were checked and calibrated prior to analyzing this case and that it was in good working condition.

The second section circled: ELO 05-16-08 NW indicates that my calculations (Math check) were for the weight of each sample and the net weight was reviewed by another chemist. It is/was the Lab policy, that cases of greater complexity and magnitude be reviewed by another chemist for accuracy in the Net weight.

10

RE CW. v. [REDACTED]

From: Kowalski, Craig (NFK)
Sent: Monday, November 28, 2011 12:56 PM
To: Khan, Annie (DPH)
Subject: RE: CW. v. [REDACTED]

Annie - I just checked my files on [REDACTED] and I don't have a .pdf file for him.
Sorry!

Craig F. Kowalski
Assistant District Attorney
Norfolk District Attorney's Office
45 Shawmut Road
Canton, MA 02021
(781) 830-4800, extension 282
(781) 830-4801 (fax)

From: Khan, Annie (DPH)
Sent: Monday, November 28, 2011 12:40 PM
To: Kowalski, Craig (NFK)
Subject: CW. v. [REDACTED]

Hi Craig,

sorry to bother you. Hope you had a nice Thanksgiving.

But need a favor, if possible.

Just out of curiosity, do you still have a copy of the pdf file for the above case from Feb 2011? The case is now a civil trial.
If you still have a copy, could you please email me? If not, no worries I can re-create the packet.

Thanks as always for help.

Annie
Chemical Terrorism Lab
Drug Analysis Lab
617-983-6622 (work)
617-983-6625 (fax)

11

RE [REDACTED] (drug case)
From: Zuanich, Brian (BRI)
Sent: Thursday, March 03, 2011 7:36 PM
To: Khan, Annie (DPH)
Subject: RE: [REDACTED] (drug case)

Thank you very much. I'm surprised you're on a work email as late as I am (and I am at home!)

Brian

From: Khan, Annie (DPH)
Sent: Thursday, March 03, 2011 7:33 PM
To: Zuanich, Brian (BRI)
Subject: RE: [REDACTED] (drug case)

Hi Brian,

Sorry for the late response. No worries, I am more than happy to assist.

When I get back to the Lab in the AM, I will check the status of Lab #/s and get back to you. If the samples have not been assigned, I will have the evidence office put them as ASAP case needed before 3/10. If no one has taken it by early next week, I will personally test it.

Thanks for sending an expedited request.

Let me know if you need anything else.

Thanks

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

From: Zuanich, Brian (BRI)
Sent: Thursday, March 03, 2011 2:40 PM
To: Khan, Annie (DPH)
Subject: [REDACTED] (drug case)

Annie,

I am prosecuting a gun and drug case in Fall River District Court that is scheduled for trial on March 17. The defendant is held in custody on a dangerousness hearing and the case is three months old.

I sent a priority cert request by fax (to the 617-983-6210 number) for the drugs but I wanted to email you as well. Could you possibly help facilitate the testing? I know you probably get a lot of these requests. If I can't get the case tried by the 17th, technically, the court could release the defendant on bail. That's why I'm asking, so I can summons the appropriate chemist!

The Lab Numbers are [REDACTED]

Thanks!
Brian Zuanich

RE [REDACTED] (drug case)

Brian Zuanich
Assistant District Attorney
Bristol County District Attorney's Office
218 South Main Street, Suite 101
Fall River, MA 02721
Tel: (508) 350-7057 (direct)
Fax: (508) 673-1429

12

RE Drug Lab: Heroin Test Kit

From: BCoen <bcoen@quincyma.gov>
Sent: Wednesday, July 21, 2010 5:26 PM
To: 'Khan, Annie (DPH)'
Subject: RE: Drug Lab: Heroin Test Kit

Thanks again Annie. The defendant was found guilty on both counts and sentenced to 18 months. We appreciate you guys coming to District Court. Talk to you soon.

Regards,

Brian

-----Original Message-----

From: Khan, Annie (DPH) [mailto:Annie.Khan@state.ma.us]
Sent: Tuesday, July 20, 2010 8:42 PM
To: BCoen
Subject: RE: Drug Lab: Heroin Test Kit

Thanks. Good Luck as well.

Oh please, you guys do all the work. I was talking (o.k. actually venting) to George in Norfolk Superior, the Melendez-Diaz decision not only affected the lives of the chemist, but has put the lives of the officers in further jeopardy.

The same goes to you guys, if you guys need anything, please do not hesitate to contact me.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)
781-367-4152 (cell)

From: BCoen [bcoen@quincyma.gov]
Sent: Tuesday, July 20, 2010 4:42 PM
To: 'Khan, Annie (DPH)'
Subject: RE: Drug Lab: Heroin Test Kit

Thanks Annie. We appreciate all your hard work and trial preparation. As we discussed, the test kit used in the [REDACTED] was the Mecke's Reagent 924 test kit for Heroin. Good luck tomorrow. Feel free to call me on my cell @ [REDACTED] should you have any questions in the future.

Regards,

Brian

From: Khan, Annie (DPH) [mailto:Annie.Khan@state.ma.us]
Sent: Tuesday, July 20, 2010 10:18 AM
To: 'bcoen@ci.quincy.ma.us'
Subject: Drug Lab: Heroin Test Kit

FYI: See below

Annie
Drug Analysis Lab

RE Drug Lab Heroin Test Kit

617-983-6631 (work)
617-983-6625 (fax)
781-367-4152 (cell)

From: Khan, Annie (DPH)
Sent: Tuesday, July 20, 2010 9:51 AM
To: 'ward@ci.quincy.ma.us'
Subject: Drug Lab: Heroin Test Kit

Hi Bill and Brian,

Sorry to bother you. My sincere apologies.

Just a quick question: The [REDACTED], the officer mentioned the field test kit. I am just trying to find out which kit (marquis, froehde's or meckes) was used for the case so I can clarify to d/c the specific chemicals that are use to make each test kit. (if I am asked on the stand on wed. AM)

Greatly appreciated!!!! You can call or text me on my cell.

Thank you very much. See ya wed.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)
781-367-4152 (cell)

13

RE Cw. v. [REDACTED]

From: Griffith, Sean (NOR)
Sent: Wednesday, February 09, 2011 8:52 AM
To: Khan, Annie (DPH)
Cc: Corbett, Kate (DPH)
Subject: RE: Cw. v. [REDACTED]

I agree. The judge is making the DC do the trial now (in spite of the fact he's been fired) So...
let's just cross our fingers. I'll keep you updated. Congratulations Kate! My sister is due
sometime in March too... pretty awesome.

From: Khan, Annie (DPH)
Sent: Wednesday, February 09, 2011 8:45 AM
To: Griffith, Sean (NOR)
Cc: Corbett, Kate (DPH)
Subject: Cw. v. [REDACTED]

1

Hi Sean,

This defendant is becoming a royal pain.

Please note that Kate Corbett is scheduled to be on Maternity Leave at some point in March and
will not be return until August/September.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

14

RE CW v. [REDACTED]
From: Payton, Debra (NFK)
Sent: Monday, January 23, 2012 2:40 PM
To: Khan, Annie (DPH)
Subject: RE: CW v. [REDACTED]
4/11/2012

You went? Awesome! And I hear ya, we were awful. Did you see the pic I attached?

Sent from my Windows Phone

From: Khan, Annie (DPH)
Sent: Monday, January 23, 2012 2:37 PM
To: Payton, Debra (NFK)
Subject: RE: CW v. [REDACTED]
Thanks for the update. (I am going to train you to become a CHEMIST!!! Haha)

Go Pats!!!! I was at the game (my brother and I took my dad) . . . The Pats have two weeks to get their act together.

From: Payton, Debra (NFK)
Sent: Monday, January 23, 2012 12:06 PM
To: Corbett, Kate (DPH); Khan, Annie (DPH); Piro, Peter (DPH)
Subject: CW v. [REDACTED]

Hello my friends:

The above mentioned idiot [REDACTED], not us) is scheduled for trial beginning on Wednesday 4.11.2012. So, if you're available at the end of that or the next week in April, I would love it! This case deals with two drug deals on two different dates with one defendant. I will find out today if I will be allowed to use the 2nd drug deal in my first case. For now, I will definitely need Ms. Annie and Ms. Kate on the [REDACTED] drugs in April (if you are both available). If the judge allows me to use the [REDACTED] drugs I will need Mr. Peter as he is the confirmatory with Annie. (I can't even believe I know your "confirmatory" terminology)
Please keep me posted and you KNOW I will keep you all posted.
THANK YOU,
Payton!!

p.s. GO PATRIOTS!!!!!!

15

RE CW. V. [REDACTED]
From: McCray, Keith (NFK)
Sent: Wednesday, November 09, 2011 11:09 AM
To: Khan, Annie (DPH)
Subject: RE: CW. V. [REDACTED]

The only other packet I need is on [REDACTED] 5.23 grams cocaine [REDACTED]
as soon as you can
because the judge is already up my butt.

We are scheduled for trial on this case on the 16th, but it is not likely we are going to be reached as there is a manslaughter, a rape of a child, and a kidnapping trial all ready to go and all ahead of us. I'll know for sure on Monday.

Thanks a bunch.

Keith

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Wednesday, November 09, 2011 6:25 AM
To: McCray, Keith (NFK)
Subject: RE: CW. V. [REDACTED]

Glad [REDACTED] came to his senses and pled.

Yep. Discovery packets can be produced for each Lab# upon request.
Let me know the other Lab #s and I can work on the packet.

-----Original Message-----

From: McCray, Keith (NFK)
Sent: Tuesday, November 08, 2011 11:16 PM
To: Khan, Annie (DPH)
Subject: RE: CW. V. [REDACTED]

Thanks.

[REDACTED] is going to be a plea so I no longer need anything.

Also on [REDACTED] there are several certs but the lab kit was for the big batch (660) only. Are kits done for each cert?

Sent from my Verizon Wireless Phone

-----Original Message-----

From: Khan, Annie (DPH) <Annie.Khan@MassMail.State.MA.US>
Sent: Tuesday, November 08, 2011 9:04 PM
To: McCray, Keith (NFK) <keith.mccray@MassMail.State.MA.US>
Subject: FW: CW. V. [REDACTED]

Hi,

Please see attachment for the discovery packet.

Let me know if you need anything else pertaining to this case.

Thanks.

Annie

Drug Analysis Lab
617-983-6622 (work)
617-983-6625 (fax)

RE CW. V. [REDACTED]

16

RE [REDACTED]

From: Finigan, Thomas (NFK)
Sent: Friday, September 02, 2011 9:54 AM
To: Khan, Annie (DPH)
Subject: RE: [REDACTED]

Hi Annie! witnesses "belong" to neither side, so you are free to meet with him. Of course, you are not obligated to, and given the demands on your schedule, it would seem reasonable to save your testimony for the stand! (I understand he has engaged his own expert in this case). Does that make sense?.

From: Khan, Annie (DPH)
Sent: Thursday, September 01, 2011 8:40 AM
To: Finigan, Thomas (NFK)
Subject: FW: [REDACTED]

Hi Tom,

I received this email in regards to a case with you. (see below)

I just wanted to know if it was OK with you to respond to his email/request. (I will CC you in my response.)

Let me know.

Annie

Sent from iPhone

From: Asha White [mailto:azwlaw@gmail.com]
Sent: Tuesday, August 30, 2011 8:13 PM
To: Khan, Annie (DPH)
Subject: [REDACTED]

Hi, my name is Asha White and I represent a defendant named [REDACTED] in Norfolk Superior Court. According to the discovery I have received from the commonwealth, you were the chemist that tested the substances that form the basis of the complaint against [REDACTED] (I attached two documents so you can track down the case I am speaking of). I am writing to see if there is any possibility that I could have a meeting with you in order to be better prepared for the upcoming trial. The weights and results of the testing of the substances are a very important issue in this case, so I was hoping I could speak with you in order to familiarize myself with the process. Please email or call me at your earliest convenience.

Asha White

The Law Office of Asha Z. White
875 Massachusetts Ave.
Cambridge, MA. 02139
Phone: 857-492-1540
Fax: 857-241-3093
Email: azwlaw@gmail.com

17

RE Pharmaceutical Questions

From: Solet, David (NOR)
Sent: Tuesday, August 24, 2010 5:32 PM
To: Khan, Annie (DPH)
Subject: RE: Pharmaceutical Questions

Awesome. Thanks again.

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Tuesday, August 24, 2010 5:25 PM
To: Solet, David (NOR)
Subject: RE: Pharmaceutical Questions

No worries, Dave

I am in court with Fahy tomorrow. When I get back, I will take a look at it.

Just in case, my cell # [REDACTED].

Annie

From: Solet, David (NOR)
Sent: Tuesday, August 24, 2010 4:47 PM
To: Khan, Annie (DPH)
Subject: RE: Pharmaceutical Questions

Sending over now. Thanks Annie.

From: Khan, Annie (DPH)
Sent: Tuesday, August 24, 2010 1:55 PM
To: Solet, David (NOR)
Subject: RE: Pharmaceutical Questions

Fax is fine, writ to my ATTN. See below for fax #.

As for methadone, it is non-opium derivative, class B (meaning made from synthetic opioid). I do not believe there is any Trafficking status for methadone.

Let me make a call to S/A Kramer for the DEA, once I see the questions.

Thx

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

From: Solet, David (NOR)
Sent: Tuesday, August 24, 2010 1:38 PM
To: Khan, Annie (DPH)
Subject: Pharmaceutical Questions

Hi Annie -

I am pursuing a pharmacy burglar and had a couple of questions about some different types of pills - specifically, do you know the standard weights per pill for the particular pills ("methadone 10 mg" for example), and would you classify them as "derivatives of opium." I am interested in

RE Pharmaceutical Questions

pursuing this guy
for trafficking as well as for burglary - he would face a much stronger penalty.

Can I fax you a list of the pills in question? If so, what is the best fax number?

Dave

18

RE Cw. v. [REDACTED]
From: Payton, Debra (NFK)
Sent: Friday, January 20, 2012 9:52 AM
To: Khan, Annie (DPH)
Subject: RE: Cw. v. [REDACTED]

You know it! I have the final pretrial on the 8th. If anything changes I'll be sure to let you know!

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Thursday, January 19, 2012 7:48 PM
To: Payton, Debra (NFK)
Subject: RE: Cw. v. [REDACTED]

By the way, have a great time in Aruba.

Got any extra space in your suitcase. . . I don't take up much space and then you can leave me on the beach with a drink. Haha.

Sent from iPhone

From: Payton, Debra (NFK)
Sent: Thursday, January 19, 2012 7:33 PM
To: Khan, Annie (DPH)
Subject: RE: Cw. v. [REDACTED]

You flipping rock! Thank you!

Sent from my Windows Phone

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Thursday, January 19, 2012 7:32 PM
To: Payton, Debra (NFK)
Subject: FW: Cw. v. [REDACTED]

Hi,

Please see attachment for the discovery packet.

Let me know if you need anything else pertaining to this case.

Have a nice weekend.

Thanks.

Annie
Drug Analysis Lab
617-983-6622 (work)
617-983-6625 (fax)

19

Re Questions

From: gtb@beery-law.com
Sent: Tuesday, May 17, 2011 8:27 PM
To: Khan, Annie (DPH)
Subject: Re: Questions

Thanks, Annie. Your time and assistance are greatly appreciated!

Gary Theobald Beery
Beery Law, LLC
P.O. Box 1383
Brookline, MA 02446
(617) 566-1323

<=Sent From My BlackBerry Wireless=>

-----Original Message-----

From: "Khan, Annie (DPH)" <annie.khan@state.ma.us>
Date: Tue, 17 May 2011 20:03:04
To: gtb@beery-law.com <gtb@beery-law.com>
Subject: Questions

Sorry for the late response. Hope this helps.

I take it that the attached version of Part III B was in effect when the drugs in this case were tested? Is that right? Yes

Table 1 lists "Color Tests" under Category C. Would this include the cobalt thiocyanate spot test? All spot tests? Yes

Would the GC-MS testing in this case count as one or two techniques/methods? Section 3.4 says that GC and MS "will be considered as separate techniques provided that the results from each are used." Seems to me that the answer hinges on the meaning of the word "used." If I understand the testing that was done in this case, GC was used to separate the component parts of each sample and MS was used to identify each part. Given that scenario, while the GC was "used" to separate the component parts, only the MS was "used" to actually identify the cocaine. Is that right? Yes, we consider it two separate tests.

Would the Gold Chloride test and the TLTA test count as one technique/method, given that they both fall under "Microcrystalline Tests"? At the Lab, we consider it two tests, under the same category. We must perform both tests for presence of cocaine.

Also, section 3.2 states that a lab need not use any Category A technique/method (which includes Mass Spectrometry) so long as three different validated methods are employed. At the same time, my understanding is that your lab requires GC-MS in all cases (or, at least, in all cases involving suspected powder cocaine). Did I miss something? Does your lab have an additional policy? We require reviewable data. Therefore, for Class A -D, except for marijuana, we do GC/MS on the sample. Please understand, the SWGDRUG recommends these as minimum standards for drug analysis and it is up to the lab to have

Re Questions

higher expectations for analysis by its chemists.

My understanding is that there are eight forms of cocaine: pseudo (D and L), allo (D and L), pseudo-allo (D and L), and cocaine (D and L). Did I get that right? Yes

It is also my understanding that only L-allo and L-cocaine qualify under Mass law. Is that right? No, only L-cocaine is controlled in Mass.

And can you forward the statute/regulation that limits the definition of cocaine under Mass law to L and non-synthetic forms? I believe it is MGL Chapter 94C Section 31 Class B #4

Does the Cobalt Thiocyanate spot test discriminate between the eight forms of cocaine? How about the Gold Chloride or the TLTA microcrystalline tests? Cobalt Thiocyanate is a non specific test. It gives a presumptive direction to proceed in the analysis. It does not discriminate the forms of cocaine. If the cobalt changes from pink to blue, this indicates that cocaine maybe present. Then we perform the microcrystalline test. The AuCl will eliminate the presence of 6 of the enantiomers of cocaine. Then the TLTA will distinguish the presences of L cocaine.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

20

RE summons for the Quincy District Court on April 25th for [REDACTED]
From: Mohan, Jason (NFK)
Sent: Wednesday, April 20, 2011 3:23 PM
To: Khan, Annie (DPH)
Subject: RE: summons for the Quincy District Court on April 25th for [REDACTED]

This isn't a typical drug case. I have [REDACTED] on tape from the dedham house of correction berating his mentally challenged girlfriend over the phone to shove 3 bags of heroin, a needle and a loose pack of cigarettes into an envelope. The girlfriend then goes to the quincy district court and hands the package to [REDACTED] lawyer and says it a letter from her. Of course the lawyer can feel the syringe and gives it to a court officer who hands it over to the police. Now the girlfriend is going to jail too for this ill conceived plan. [REDACTED] and his family have a long history with the Quincy District Court.

From: Khan, Annie (DPH)
Sent: Wednesday, April 20, 2011 2:42 PM
To: Mohan, Jason (NFK)
Subject: RE: summons for the Quincy District Court on April 25th for [REDACTED]
"Mr. Doyle holds a special place in my heart" : I'm afraid to ask, why?

Let me know if you need anything pertaining to this case.

Good Luck with your other cases.

Annie

From: Mohan, Jason (NFK)
Sent: Wednesday, April 20, 2011 2:16 PM
To: Khan, Annie (DPH)
Subject: RE: summons for the Quincy District Court on April 25th for [REDACTED]

Hi Annie,
It has been awhile. They stopped giving me drug cases. I'm over in sexual assault and the gang unit now but Mr. Doyle holds a special place in my heart. The case will get continued long after Sept. so that shouldn't be a problem. Thanks,
Jason

From: Khan, Annie (DPH)
Sent: Wednesday, April 20, 2011 2:15 PM
To: Mohan, Jason (NFK)
Subject: RE: summons for the Quincy District Court on April 25th for [REDACTED]
Hey Jason,

It's been awhile. Thanks for the heads up.

Kate is currently on Maternity Leave and is scheduled to return in September.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

From: Mohan, Jason (NFK)

RE summons for the Quincy District Court on April 25th for [REDACTED]
Sent: Wednesday, April 20, 2011 2:12 PM
To: Corbett, Kate (DPH); Khan, Annie (DPH)
Subject: summons for the Quincy District Court on April 25th for [REDACTED]

Hi guys,
You can cancel your summons for this defendant, lab [REDACTED] for next week. I am
going to
try to indict him instead of move forward in Quincy.
Thank you,
ADA Mohan

21

RE Pharmaceuticals

From: Solet, David (NOR)
Sent: Monday, August 30, 2010 9:09 AM
To: Khan, Annie (DPH)
Subject: RE: Pharmaceuticals

Annie -

That is perfect. I will definitely pass along some of this information to our CPAC troopers as well - this could be a big help to them in future cases. Thanks again.

Dave

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Sunday, August 29, 2010 7:22 PM
To: Solet, David (NOR)
Subject: Pharmaceuticals

Hey Dave,

You definitely would have Trafficking of Oxycodone over 200 g, Class B opium derivative. I derived the weight of the opium deriv. tablets based on the lowest possible value/gram. I will try to keep a database for future reference.

I think I have figured out all the possible Logos for each of the tablets. The Logos are a key part of determining the weight b/c of the chemical binders, coating and inactive ingredients, for example acetaminophen.

I will mail you a copy of the pictures and the Micromedex ID for each of the RXs so you can use it in your case.

Hope this helps. Let me know if you need anything else.

Good Luck!!

Annie

22

RE Request for lab notes

From: Burr, Philip (NFK)
Sent: Monday, March 21, 2011 2:53 PM
To: Khan, Annie (DPH)
Subject: RE: Request for lab notes

Thanks!

From: Khan, Annie (DPH)
Sent: Monday, March 21, 2011 12:36 PM
To: Burr, Philip (NFK)
Subject: RE: Request for lab notes

No worries. I think Amina and I are use to getting each other's email. I have yet to figure out who she is. :)

I will send the discovery package next week.

George has my cell #, if you need to find me. I think Debi does too.

Thanks Phil for all the help. If I can help you guys in the future, let me know.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

From: Burr, Philip (NFK)
Sent: Monday, March 21, 2011 10:57 AM
To: Khan, Annie (DPH)
Subject: FW: Request for lab notes

Hello, please see below. what an idiot. Sent it to the wrong person. -Phil

From: Burr, Philip (NFK)
Sent: Monday, March 21, 2011 10:53 AM
To: Khan, Amina (EHS)
Subject: Request for lab notes

Hello. My case will not get a trial date until June, but a plea is unlikely so, can I order the lab notes now?

Lab No. [REDACTED]
Court: Norfolk Superior
Defendant: William Colleary

Thank you, Annie! By the way, my cell is still the same, [REDACTED] and is the best way to get in contact with me. My new address is:

Norfolk County District Attorney's Office
45 Shawmut Road
Canton, MA 02021

As you know, I'm not in Quincy anymore, but if you have questions on any pending cases, dates, trial or requests in Quincy, I'm still available to look into whatever you need or point you to the right ADA.

23

RE Question

From: Finigan, Thomas (NFK)
Sent: Friday, July 29, 2011 3:18 PM
To: Khan, Annie (DPH)
Subject: RE: Question

Annie, let me poll the folks here. I will get back to you, in the meantime, have a great weekend!

From: Khan, Annie (DPH)
Sent: Friday, July 29, 2011 1:55 PM
To: Finigan, Thomas (NFK)
Subject: Question

Hi Tom,

Sorry to bother you. But I have a question in regards to the Bullcoming Decision for the US Supreme Court.

I have a meeting with AG's office next month to discuss my stand point on the Bullcoming Decision and what are my recommendations/solutions to address this matter.

I am currently in the process of writing the protocols for the Chemical Terrorism and Drug Analysis Lab due to the Bullcoming Decision. I have been contacted by a few of your colleagues in other Superior courts on how to address the issue of substitute chemist. I was curious if you or your colleagues at Norfolk have been impacted by this decision, yet?

Thanks to Mr. Melendez-Diaz and Mr. Bullcoming, they have made life a little more difficult for all of us.

Any help or suggestion would be much appreciated. Have a nice weekend.

Thanks.
Annie
Chemical Terrorism Lab
Drug Analysis Lab
617-983-6622 (work)
617-983-6625 (fax)
781-367-4152 (cell)

24

RE Predicate questions with answers

From: Kowalski, Craig (NFK)
Sent: Friday, April 22, 2011 1:13 PM
To: Khan, Annie (DPH)
Subject: RE: Predicate questions with answers

Good changes.

I added a 12a and 12b:

12) Approximately how many times have you had occasion to test for a controlled substance? 10s of thousands

12a) Have you testified in court before regarding analyses you have conducted?

Yes.

12b) How many times and in what courts?

I don't know your answer to 12b, but I'm assuming it's good.

As for using the second chemist, as a layperson it seems like everything is covered in your testimony (or at least enough for the certifications to come in and to prove that the substances are coke, heroin and OC). I'll play it by ear. If the defense atty for some reason knows what he's doing (but I don't think he does) and makes things difficult I'll call Dan and ask Dan what he did.

Thanks again for all your help. Scientific things are not my strong suit. I took "Dynamic Earth" in college to fulfill my science requirements rather than chemistry, physics or biology.

Craig

Craig F. Kowalski
Assistant District Attorney
Norfolk District Attorney's Office
45 Shawmut Road
Canton, MA 02021
(781) 830-4800, extension 282

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-----Original Message-----

From: Khan, Annie (DPH)
Sent: Friday, April 22, 2011 12:14 PM
To: Kowalski, Craig (NFK)
Subject: RE: Predicate questions with answers

Welcome. Bad habit of writing in red when I do corrective action on chemist's work for QC/QA.

See attachment for an updated version of the predicate questions: I change the
Page 1

RE Predicate questions with answers

wording of question #
35 and eliminated what was question # 37. I edited these to avoid potential problems from the d/c.

Dan was the confirmatory chemist. His role was to compare the unknown sample to a known standard.
We perform confirmatory test because we require reviewable data. I can state that because I am trained in GC/MS (confirmatory test), I can review the documents form my opinion to those findings. It has worked in my previous cases.

We leave that decision up to the ADA, if d/c and the judge has no objections, I can testify to everything.
You call the shots. I would suggest to have me testify to everything and see how it goes. But I will still bring Dan just incase. Worst case, he is not needed and I buy him donuts. Haha.

Have a nice weekend as well.

Annie

-----Original Message-----

From: Kowalski, Craig (NFK)

Sent: Friday, April 22, 2011 9:00 AM

To: Khan, Annie (DPH)

Subject: RE: Predicate questions with answers

Annie,

well! Thank you, thank you, thank you! I wish every witness would do the same and send me back their answers in red.

After reading through that, do I really need Dan? Can you explain to me his role?

Have a great weekend and see you next week. I'll contact you after I get started on Tuesday to confirm the Thursday at 9 time.

Best, Craig

Craig F. Kowalski
Assistant District Attorney
Norfolk District Attorney's Office
45 Shawmut Road
Canton, MA 02021
(781) 830-4800, extension 282

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RE Predicate questions with answers

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Thursday, April 21, 2011 10:49 PM
To: Kowalski, Craig (NFK)
Subject: Predicate questions with answers

See attachment for the predicate question with my answers.

Avoid questions that deal with: accreditation, publications and external training.

Additional questions that may help build creditability(at least in my experience):

Have you ever testified before?

If so, approximately how many times and which courts?

Hope this helps. Let me know if I need to clarify or expand on any particular topics.

PS: Debi and George knows how to find me.

Annie

25

Re RE Just a note

From: wward13@verizon.net
Sent: Monday, December 13, 2010 12:24 PM
To: Khan, Annie (DPH)
Cc: briancoen@hotmail.com
Subject: Re: RE: Just a note

Annie,
Unfortunately I won't be able to stop by on Monday I have evidence up to me ears and Brian is enjoying his day off taking a walk on Wollaston Beach. I will be there on Tuesday and maybe I could search the floor and find some crumbs. I hope you guys have a good day.

Thanks again for the invite.
Billy

P.S. I hope you enjoyed the emails, both Brian and I very much enjoy fighting with each other. At the end of the day he is truly the best friend a guy could have.

Dec 13, 2010 06:40:15 AM, Annie.Khan@state.ma.us wrote:
Haha.

Hopefully, Billy comes by. Maybe he will bring you a piece.

Thx

Annie

From: BRIAN COEN [mailto:briancoen@hotmail.com]
Sent: Sunday, December 12, 2010 8:19 PM
To: annie khan; billy ward
Subject: RE: Just a note

Annie,

Thanks for the kind words. Billy and I are still friends. Actually, I'm thinking of reconsidering my retirement from the evidence position, especially if there is cheesecake and desserts involved. Unfortunately I can't make it tomorrow but thanks for the invite. Hope to see you before the holidays. Talk with you soon. Billy, prepare everything and I'll bring the evidence this week. :-)

Regards,

Brian

> From: Annie.Khan@state.ma.us
> To: wward13@verizon.net; briancoen@hotmail.com
> Date: Sat, 11 Dec 2010 21:31:01 -0500
> Subject: RE: RE: Just a note
>
> Hey Guys,
>
> Sorry, I was in court most of the day Thursday and Friday. (It sucked!!)
>
> I sense a little tension between you. Go have some drinks or lots of chocolate.
haha
>
> Brian, I am sorry to hear that you have left the evidence officer's position. On
behalf of

Re RE Just a note

myself and the evidence office staff (Betsy & Shirley), it has been a pleasure working with you. I wish you all the best. Feel free to drop by the Lab and say Hi.

>

> Billy, it is always nice to speak with you and I will see when you come by the Lab. I will still give you a hard time. We'll have some laughs.

>

> I hope you guys can drop by the Lab on Monday for some cheesecake/desserts.

>

> Happy Holidays & a Prosperous New Year!!

>

>

> Annie

>

>

> From: wbward13@verizon.net [wbward13@verizon.net]

> Sent: Friday, December 10, 2010 3:08 PM

> To: briancoen@hotmail.com

> Cc: Khan, Annie (DPH)

> Subject: Re: RE: Just a note

>

> Annie,

>

> Brian is off his Meds. he has been drooling on himself all day and is having a hard time speaking today. I told his mother I would keep an eye on him but it has not been easy.

Please pray for Brian.

>

>

> Dec 10, 2010 01:36:22 PM, briancoen@hotmail.com wrote:

> Annie,

>

> I'm sorry Billy is so upset. I'm not going to use harsh words towards him and I'm sorry you have been put in the middle. Sometimes when Billy doesn't take his medication he

gets a little....well lets just say sensitive. Go easy on him when he is at the lab. If you

come across some extra pink or blue tablets please offer them to Billy. Billy, it has been a

wonderful experience working the evidence with you. You have come a long way and I'm

proud of you even if your Mom isn't. Merry Christmas!

>

> Regards,

>

> Brian

>

>

>

>

>

>

>

>

>

> Annie,

>

> Just to clarify some of Brian's points. I was a police officer when little Brian was still in high school trying to kiss his first girlfriend. I have more time at lunch than

Re RE Just a note

Brian has on the job. There is no "I" in team but there sure is in Brian. Lately he has been a complaining little bitch. I am looking for a replacement. I don't expect much because Brian did so little even if the new person is a complete lazy idiot he or she will be an upgrade.

>
>
>
> Dec 10, 2010 07:30:15 AM, briancoen@hotmail.com wrote:
> Annie,
>
> I think I could make a final appearance on the 13th. Billy forgets that I have encouraged him and have provided emotional support for him when he starts to cry and complain about all the evidence he must process. Annie, have you ever felt unappreciated? After all these years this is what I get. Billy, you must realize you are the junior man, the guy with the least seniority, the rookie! Suck it up, do your job and stop complaining. Annie, we may be looking to replace a drug unit member with someone with a little more tenacity. Interested?

>
> Happy Holidays,

>
> Brian

>
> _____
> Date: Thu, 9 Dec 2010 14:47:21 -0600
> From: wward13@verizon.net
> To: Annie.Khan@state.ma.us; briancoen@hotmail.com
> Subject: Re: Just a note

>
> Annie,
> Thanks for the invite I would love to stop by. Unfortunately Brian has QUIT the assistant evidence officer position due to the fact that he has not touched a piece of evidence for the last six months. Its probably better that he quit because I was just about to fire his ASS!!

>
> Thanks Again,
> Billy

>
> Dec 7, 2010 07:38:08 PM, Annie.Khan@state.ma.us wrote:
> Hey,

>
> If you and Brian are planning on coming to the Lab, I would recommend both of you coming on Monday Dec 13th. The drug lab is having its annual holiday party. I owe you guys Tiramisu cheesecake, as an appreciation.

>
> PS: You can go to the gym afterward. Haha

>
>
> Annie
> Drug Analysis Lab
> 617-983-6631 (work)
> 617-983-6625 (fax)

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summons TRIAL chemists Renczkowski

From: Payton, Debra (NFK)
Sent: Thursday, March 10, 2011 2:37 PM
To: Renczkowski, Daniel (DPH); Khan, Annie (DPH)
Subject: summons TRIAL chemists Renczkowski.doc
Attachments: summons TRIAL chemists Dookhan.doc; summons TRIAL chemists Renczkowski.doc

OH KIDS:

This jack @ss has until March 28th 2011 to change his plea. Otherwise, he can go meet Isa Fernandes in prison following our last guilty verdict (Annie and Della). Det. Billy Ward (my favorite detective) was out of work injured because of this incident for over a month...so I have a personal vendetta against him!

I'll keep you posted!!!!

27

RE Resubmital Samples (US. v. [REDACTED])
From: Heinrich, Theodore (USAMA) <Theodore.Heinrich@usdoj.gov>
Sent: Wednesday, May 04, 2011 6:45 AM
To: Khan, Annie (DPH)
Subject: RE: Resubmital Samples (US. v. [REDACTED])

Annie,

That should be fine. I will touch base with you at lunch or the end of the court day. If you can come tomorrow, that will be great and Della should be good to go for Friday. BTW, what time is her appt? I may be able to work around it tomorrow.

Thanks, Ted

-----Original Message-----

From: Khan, Annie (DPH) [mailto:annie.khan@state.ma.us]
Sent: Tuesday, May 03, 2011 7:08 PM
To: Heinrich, Theodore (USAMA)
Cc: White, Robert J. (ATF)
Subject: RE: Resubmital Samples (US. v. [REDACTED])

You're welcome. No worries, I am glad that we could get everything completed in a timely manner.

As for testifying, unfortunately Della is unavailable on Thursday due to doctor's appts. Could we both testify on Friday @ 9 AM or worst case I can get there on Thursday?

I had the pleasure of speaking with Agent White today. I felt bad that he was and will on the stand today and tomorrow. As we discuss, the samples will be back in the safe in AM, so you can pick it up at your convenience. I hope I have the pleasure of meeting you.

Thanks.

Annie
Cell: 781-367-4152

From: Heinrich, Theodore (USAMA) [Theodore.Heinrich@usdoj.gov]
Sent: Tuesday, May 03, 2011 3:59 PM
To: Khan, Annie (DPH)
Cc: White, Robert J. (ATF)
Subject: RE: Resubmital Samples (US. v. [REDACTED])

Annie,

Thank you so much for your help and professionalism in getting this done. I will probably need you and Della to testify on Thursday. Will that work? Do you need subpoenas from my office?

I am copying the case agent on this email so he can arrange to pick up the drug exhibits.

Thanks again,
Ted
617-748-3245

-----Original Message-----

From: Khan, Annie (DPH) [mailto:annie.khan@state.ma.us]
Sent: Tuesday, May 03, 2011 2:46 PM

RE Resubmital Samples (US. v. [REDACTED])
To: Heinrich, Theodore (USAMA)
Subject: FW: Resubmital Samples (US. v. [REDACTED])

Hi Ted,

Please see attachment for copies of Certs.

Lab # [REDACTED] : Annie
[REDACTED] : Annie
[REDACTED] : Della
[REDACTED] : Della & Annie

Please note that on Cert # [REDACTED], Della and I retested the sample.
So this should make things a bit easier for you.

Let us know if you need anything else.

Thanks.

Annie
Drug Analysis Lab
617-983-6631 (work)
617-983-6625 (fax)

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Untitled

From: George Papachristos <g.n.papachristos@hotmail.com>
Sent: Friday, February 03, 2012 8:02 AM
To: wmadden@walpolepd.local; gfrangias@live.com; Mattaliano, Gerard
(NFK); rbreakst@gmail.com; mariasalonika21@yahoo.gr; Khan, Annie
(DPH); tsapoula@yahoo.com; kevinthejames@gmail.com

... <http://maboutique.zxq.net/day.link.php?aPage=2316>

29

Thanks for playing at Taunton . . .

From: Fregault, Garrett (BRI)
Sent: Thursday, December 10, 2009 8:43 AM
To: Saunders, Della (DPH); Khan, Annie (DPH)
Subject: Thanks for playing at Taunton . . .

The defendant was convicted and he received 12 years to state prison. The defense attorney argued that representative sampling was a short cut taken by the lab and that the results were no reliable. I was able to convince the jury that such an argument is hogwash.

Thanks for coming down despite your crazy schedules.

Garrett

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trial summons [REDACTED]
From: Payton, Debra (NFK)
Sent: Friday, March 04, 2011 12:19 PM
To: Saunders, Della (DPH); Khan, Annie (DPH)
Subject: trial summons CASTILLO AND CABALLERO B09-13180, B09-13179, B09-13181
Attachments: trial summons Chemist Annie Khan.doc; trial summons Chemist Della Saunders.doc

DREAM TEAM!!!!!!

It is time to kick some more buttocks!!!!

I am beginning a trial on April 12, 2011. Your testimony will be needed on April 14, 2011 or April 15, 2011. Please let me know if you can squeeze me in. I DONT NEED PREDICATE QUESTIONS!!!!!!!!!! YOU LADIES ROCK!!!

Let me know!!

THANK YOU!!
Debi Payton